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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,116	06/27/2003	Helmut W. Kucera	IR-3332(CRD)	9257

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EXAMINER

TUROC, DAVID P

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/609,116	Applicant(s) KUCERA ET AL.	
	Examiner David Turocy	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). - In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-28 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-28 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/2006 has been entered.

Response to Amendment

2. The applicant's amendments, filed 1/13/2006, have been fully considered and reviewed by the examiner. Claims 1-13, 15-28, and 30-34 remain pending.

Response to Arguments

3. Applicant's arguments filed 1/13/2006 have been fully considered but they are not persuasive.

The applicants has argued against the applied references, stating the references fail to disclose removing the substrate from immersion and articulating when the coating is wet and forming a uniform coating. The examiner respectfully disagrees. Kucera clearly discloses drying the substrate after removing the substrate from the aqueous immersion bath, which clearly results in a not dried, or wet, substrate after removal (page 21 and 26). In addition, the coating as applied by Kucera is deposited in a

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uniform thickness (Page 21). In addition, as indicated in the office action dated 8/10/2005, the examiner notes the definition of articulate, as defined by the applicant at specification page 11, is in the broadest definition "motion, such as movement from a first point to a second point", where moving a substrate from one point to another, whether a small displacement or in a straight line, circle, etc. reads on the claim limitation. Thus displacing the substrate even the smallest amount will results in articulation. Therefore, the removal of the substrate from the immersion bath, i.e. in a straight up and down motion, reads on articulation. Moving the substrate from the coating bath to be dried or moving the substrate from one coating bath to another, reads on the claimed articulation. During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" by giving words their plain meaning unless the specification provides a clear definition. See *In re Prater* 415 F.2d 1393 1404-05 162 USPQ 541 and *In re Zletz* 893 F.2d 319, 321, 13 USPQ2d 1320.

The applicant has argued that none of the references teach of providing a uniform coating substantially free of a drip line or entrapped air. The examiner notes, while such an argument is not commensurate in scope with the claims, Kucera is clearly directed to providing a uniform thin film and notes the problems with drip lines during immersion processes (Page 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 6-13, 16, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/43131 by Kucera et al. ("Kucera") in view of US Patent 4766844 by Brewer et al ("Brewer").

Kucera and Brewer are applied to these claims for the same reasons as set forth in the office action dated 8/10/2005 and 12/8/2004 as well as for the reasons set forth in section 3 above.

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7. Claims 4, 5, 15, 22-28, 30-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/43131 by Kucera et al. ("Kucera") in view of US Patent 4766844 by Brewer et al ("Brewer") and further in view of US Patent 4657788 by Benton et al ("Benton").

Kucera, Brewer, and Benton are applied to these claims for the same reasons as set forth in the office action dated 8/10/2005 and 12/8/2004 as well as for the reasons set forth in section 3 above.

Claim 28: Kucera in view of Brewer and further in view of Benton fails to explicitly disclose the articulation in the bath includes removal of entrapped air. However, However, the prior art and the present claims, reflected by claim 28, teach all the same process steps using similar materials and thus the results obtained by applicants process must necessarily be the same as those obtained by the prior art. Therefore by moving the substrate in the coating bath to agitate the coating composition while the substrate is immersed, it must necessarily result in removing entrapped air. Either 1) the applicant and the prior art have different definitions for articulating, or 2) the applicant is using other process steps or parameters that are not shown in the claims.

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8. Claims 17, 18, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/43131 by Kucera et al. ("Kucera") in view of US Patent 4766844 by Brewer et al ("Brewer") and US Patent 4657788 by Benton et al ("Benton") and further in view of US Patent 4103049 by Nishida et al ("Nishida").

Kucera, Brewer, Benton, and Nishida are applied to these claims for the same reasons as set forth in the office action dated 8/10/2005 and 12/8/2004 as well as for the reasons set forth in section 3 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy
AU 1762



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER